

***This document is a draft Scope of Services for a future solicitation and is subject to change without notice.***

***This is not an advertisement.***

**Miami-Dade County, Florida**

**RFP No.**

**PRIVATE ATTORNEY SERVICES**  
**SCOPE OF SERVICES**

**Background**

Miami-Dade County, hereinafter referred to as the "County," as represented by Miami-Dade Public Housing and Community Development (hereinafter "PHCD") owns and operates approximately 9,200 units of public housing in Miami-Dade County. The primary mission of the public housing program is to provide decent, safe, and sanitary housing to extremely low-income families, the elderly, and the disabled.

The County relies on two income sources to operate its public housing: subsidies from United States Department of Housing and Urban Development (HUD), and rent collected from the public housing residents. In exchange for accepting the subsidy from HUD, the County agrees to operate its public housing pursuant to a complex set of regulations. The intent of these regulations is to ensure that the County provides decent, safe, and sanitary housing, and that residents are treated in a fair and equitable manner.

In order to maintain decent, safe, and sanitary housing for all residents and meet its obligation as a landlord, it is sometimes necessary for the County to evict residents. The County pursues approximately one-thousand (1000) evictions per year.

Evictions are typically pursued against residents for criminal activity, drug activity, violent or destructive behavior, non-payment of rent and/or any other violations of their lease. The County pursues evictions in accordance with Chapter 83 of the Florida Statutes (Landlord/Tenant Act), the adopted Screening and Eviction for Drug Abuse and Other Criminal Activity policy based on the Federal "One Strike Law". The County is committed to effectuating the purpose of the "One Strike and You're Out" Policy which has been upheld by the U.S. Supreme Court.

The County makes every effort to resolve lease violations with residents. In the event that it is necessary to evict, residents are afforded ample due process protections, which include the following: First, the resident is provided with a mailed or hand-delivered notice, identifying the specific reasons why he or she is being considered for eviction. Second, the resident can request a grievance hearing in front of a panel (Grievance Board) of three uninterested persons to review the decision to evict. Whatever decision is made by the Grievance Board is binding on the County. Third, if the matter cannot be resolved, an eviction is filed in County Court where the resident has the opportunity to file an answer and defend against the eviction.

**Minimum Qualification Requirements**

The minimum qualification requirements for this Solicitation are that the selected Proposers or personnel of the Proposers who will provide attorney services to the County shall:

1. Be a member in good standing and maintain that membership with the Florida Bar and the United States District Court for the Southern District of Florida.
2. Be able to practice in federal bankruptcy court in the Southern District of Florida.

**Services to be Provided**

The selected Proposers shall:

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- A. Stay current and be familiar with Florida's Landlord/Tenant Act, public housing laws and regulations, particularly laws and regulations regarding tenancy, evictions, grievance hearings, and any other laws that may apply to each case.
- B. Follow instructions of County designated staff, particularly Site Managers and Asset Management staff, in preparing and filing cases for eviction. The Proposer will also be required to consult from time to time with the County and in some cases the County Attorney's Office (CAO) throughout the eviction process to determine how to proceed, what resolution is appropriate, whether to consider settlement, etc.
- C. Work with the CAO when the CAO determines that it is in the best interest of the County to do so: either because a particular eviction action involves an important principle, legal or otherwise; or because the CAO is representing the County in an action that requires the cooperation of the selected Proposers;
- D. Assist County staff in the preparation of notices that are required to be sent prior to initiating an eviction;
- E. File eviction actions at the appropriate Court (primarily electronically through the Miami- Dade County Clerk of Courts or United States District Court for the Southern District of Florida) and see these actions through appropriate resolution.
- F. Perform the following tasks, as applicable, in the eviction actions, as may be requested by the County:
  - 1. Move for default;
  - 2. Seek default final judgment;
  - 3. Defend the County when any cross claims or counterclaims are filed against it in any eviction action;
  - 4. Consult with Site Managers/Asset Management staff, and the CAO if necessary, in the event that an eviction action results in an appeal or raises issues beyond the scope of the initial eviction action;
  - 5. Attend hearings;
  - 6. Attend mediations;
  - 7. Attend depositions;
  - 8. Conduct discovery actions;
  - 9. Where appropriate, defend the County against unwarranted discovery requests;
  - 10. Attend pre-trial calendar, status conference, and calendar call;
  - 11. Represent the County in bench or jury trial;
  - 12. Attend bankruptcy court proceedings in order to move to dismiss bankruptcies, move for relief from stay, assert any claims on behalf of the County, attend creditors meetings, and confirmation hearings;
  - 13. Represent the County in adversary proceedings in bankruptcy court;
  - 14. Prepare and make all appropriate motions;
  - 15. Defend County in all motions made against it;
  - 16. Take all necessary action to properly represent the County in its eviction processes.

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- G. Remain current on recent case law developments and all changes in landlord-tenant law, public housing law, bankruptcy law, civil procedure, any other relevant laws, any and all HUD requirements, and PHCD lease policies and procedures.
- H. Represent the County on grievance matters concerning evictions and other Public Housing client claims not resolved by PHCD Asset Management staff.
- I. Provide monthly status reports by Site, to site personnel and the Director of the PHCD Asset Management division, consisting of a list of all current actions (eviction, bankruptcy, grievance, etc.) by Client name, Client Number, and Case number; the status of each action; and the cost for each case.
- J. Develop and present training to the County's Site managers as requested, and after review by the CAO, on changes to landlord-tenant law and associated areas impacting Public Housing civil procedures with intent to improve case preparation and conclusion. Training shall also include advising Site Managers on what they need to file, when to file and the appropriate language that should be included in any letters submitted to tenants slated for potential and/or for eviction purposes that comply with all Federal Regulations and Florida Law.
- K. Perform additional related services as may be requested by the County upon receipt of an approved request for quote.